

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brianah Pearson,)	
)	
Plaintiff,)	
)	Civil Action No. 6:23-cv-1648-BHH
v.)	
)	<u>ORDER</u>
Perfect Delivery North America)	
<i>doing business as</i> Papa John's,)	
)	
Defendant.)	
_____)	

This matter is before the Court upon Plaintiff Brianah Pearson's ("Plaintiff") complaint alleging employment discrimination under Title VII of the Civil Rights Act of 1964, as amended, as well several state law claims. On May 18, 2023, Defendant filed a motion to dismiss. (ECF No. 12.) In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary consideration.

On October 23, 2023, Magistrate Judge Jacquelyn D. Austin issued a report and recommendation ("Report"), outlining the issues and recommending that the Court grant Defendant's motion to dismiss. (ECF No. 17.) Specifically, the Magistrate Judge found that all of Plaintiff's claims are time-barred. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party has filed objections to the Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Plaintiff’s claims are time-barred. Accordingly, the Court hereby adopts the Magistrate Judge’s Report (ECF No. 17) and grants Defendant’s motion to dismiss (ECF No. 12), thereby ending this action.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

November 13, 2023
Charleston, South Carolina